

§ 420-3. Word usage and Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply.

Generally, the words "used for" include "designed for," and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the word "plot." Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she," and "she" shall mean "he." The word "shall" is mandatory; the word "may" or "should" is permissive.

- ~~A. Generally. Words used in the present tense include the future tense. Words in the singular include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise. The word "shall" is mandatory; the word "may" is directory. "Person" includes a firm, association, organization, partnership, trust, company, corporation or any other business entity, by whatever title known, as well as an individual. All distances and areas refer to measurements in a horizontal plane.~~
- ~~B. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:~~

ACCESS

A means of approach, including ingress and egress.

ACCESSORY APARTMENT

A residential use having the external appearance of a single-family residence in which there is located a second dwelling unit that comprises no more than 25% of the gross floor area of the building nor more than a total of 750 square feet.

ACCESSORY USE OR STRUCTURE

A use or structure which is clearly subordinate and customarily incidental to the main use or structure that it is accessory to and located upon the same lot occupied by the main use or structure. Structures attached to the main building shall be considered part of the main building

ACCESSORY USE OF LAND

~~A subordinate use of land incidental to and located on the same lot occupied by the main use or structure.~~

ACCESSORY USE OF STRUCTURE OR BUILDING

~~A subordinate use of a structure or building incidental to and located upon the same lot occupied by the main use or structure. A structure or building used for housekeeping purposes shall not be considered an accessory structure. Garages and other structures, such as carports, porches and stoops attached to the main building, shall be considered part of the main building.~~

ACREAGE

A parcel of land, regardless of area, described by metes and bounds and not a lot shown on any recorded subdivision plat.

ACT OF NATURE

A natural event, not preventable by any human agency, such as flood, storms, or lightning. Forces of nature that no one has control over and therefore cannot be held accountable.

ADDITION

Any construction that increases the gross floor area of a building or structure, or results in an expanded footprint of a building or structure on the ground.

ADMINISTRATIVE OFFICIAL; ZONING ADMINISTRATOR

The official charged with the enforcement of this chapter, who shall be the City Manager or his designated agent.

AFFORDABLE HOUSING

Housing that is affordable to families with incomes at or below 80% of the area median income, provided that the occupant pays no more than 30% of his or her gross income for gross housing costs, including utilities.

AGENT

One who represents another, called the principal, in dealings with third persons. The agent undertakes some business by authority of the principal. The principal is the property owner.

AGGRIEVED PERSON

A person or group of people with an immediate, pecuniary and substantial interest in an action taken by the administrator or board of zoning appeals under this ordinance, as opposed to a remote or indirect interest. A person is also aggrieved if the person suffers a denial of some personal or property right or imposition of a burden or obligation different from that suffered by the public in general.

AGRICULTURE

The tilling of soil, raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, livestock and fowl keeping and breeding, and the production of natural products with resources primarily derived from the land upon which it is produced.

ALLEY

A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes. A passage or way open to public travel, affording generally a secondary means of vehicular access to abutting lots or upon which service entrances of buildings abut, not intended for general traffic circulation.

ALTERATION

Any change in the total floor area, use or external appearance of an existing structure or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, or any enlargement or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or a structure from one location to another.

AMATEUR RADIO TOWER

A structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals erected and operated by an amateur radio operator licensed by the FCC.

ANTENNA

Any exterior apparatus designed for commercial telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

APARTMENTHOUSE

~~A building used or intended to be used as the residence of three or more household units living independently of each other.~~

APPLICANT

A property owner or their authorized representative who has petitioned the City for approval of a zoning change, zoning permit, building permit, variance, conditional use permit, site development plan, sign permit, certificate of appropriateness, or any other authorization for the use or development of their property under the requirements of this ordinance.

APPLICATION

An applicant petition for approval of a zoning change, zoning permit, building permit, variance, conditional use permit, site development plan, sign permit, certificate of appropriateness, or any other authorization for the use or development of their property under the requirements of this ordinance.

ASSEMBLY, PLACE OF

The use of land for a meeting place where persons gather together for purposes of attending civic, social, or religious functions, recreational events or entertainment performances on a regular or recurring basis including but not limited to, religious institutions, banquet facilities, funeral homes, theaters, conference centers, stadiums, and similar places, but excludes a Dance Hall as defined by this chapter. A gathering of less than 25 persons shall not be considered a Place of Assembly provided the gathering is accessory and incidental to the principal use.

AUTOMOBILE RENTAL/LEASING

Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.

AUTOMOBILE SERVICE STATION

A use which provides for the minor repair and/or maintenance of automobiles, but does not include towing service or body work. The retail sale and dispensing of motor fuels may be allowed as permitted within this chapter.

[Added 5-2-2013 by Ord. No. 2013-02]

AVIARY

~~Any lot, building, structure, enclosure or premises where breeding, boarding, training or selling of birds is conducted as a business.~~

AVIATION FACILITY

Also referred to as an airport. Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

AWNING

A shelter constructed of rigid or non-rigid materials on a supporting framework, either freestanding, or projecting from and supported by an exterior wall of a building.

BANNER

A sign applied to cloth, paper, flexible plastic, or fabric of any kind and generally intended to be displayed on a temporary basis.

BASEFLOOD; ONE-HUNDRED-YEAR FLOOD

A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

BASEMENT

A portion of a building having part, but not more than 1/2, of its height below grade. A basement shall be counted as a story, for the purpose of height regulations, if it is subdivided and used for business purposes or for dwelling purposes.

BED-AND-BREAKFAST HOMESTAY

~~A single-family dwelling unit occupied by the owner which is used and regulated primarily as a private residence but which provides up to two five bedroom accommodations, and breakfast to transients.~~ Buildings being used as a bed-and-breakfast at the time of adoption of this chapter having more than five bedrooms and/or occupied by a resident manager rather than the owner may continue to operate with the same or a lesser number of bedrooms and/or may continue to be occupied by a resident manager rather than by the owner of the building.

BED-AND-BREAKFAST INN

~~A single family dwelling occupied by the owner which provides more than two, but no more than five, bedroom accommodations and breakfast to transients. Buildings being used as a tourist home or bed-and-breakfast inn at the time of adoption of this chapter and having more than five bedrooms and/or occupied by a resident manager rather than the owner may continue to operate with the same or a lesser number of bedrooms and/or may continue to be occupied by a resident manager rather than by the owner of the building.~~

BERM

A landscaped earthen mound, incorporated as part of a site design, and intended to enhance the compatibility of abutting or nearby properties through the mitigation of sound, the screening of views, and/or the visual enhancement of a property's landscaped character.

BEST MANAGEMENT PRACTICE (BMP)

Schedules of activities, or practices, including both structural and non-structural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land disturbing activities.

BIKEWAY

A bicycle pathway: either a bike lane, a bike trail, or bike route.

BILLBOARD or POSTER PANEL

~~Any sign or advertisement used as an outdoor display for the purpose of making anything known about the matter advertised or displayed, being remote from its origin or point of sale.~~

BOARDINGHOUSE

~~A building, other than a hotel, where lodging or meals are provided for not fewer than five or more than 15 nontransient, unrelated persons and which is occupied by the owner.~~

BOARD OF ZONING APPEALS

The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this chapter and to authorize, upon appeal, variances from the terms of this chapter when justified by special conditions.

BREWERY OR DISTILLERY

The use of land, licensed by the Commonwealth of Virginia, where beer or spirits are manufactured for sale. Consumption on the premises is permitted as an Accessory Use.

BROADCASTING OR COMMUNICATION TOWER

Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio towers, which are described separately. Also excluded are wireless communication antennas which fit the definition of Utility services, minor.

BUFFER YARD

A yard with screening and landscaping materials required between abutting zoning districts of differing intensities or between adjoining land uses for the purpose of decreasing the adverse impact of differing uses and districts.

BUILDING

Any structure having a roof supported by columns or walls, for the shelter, housing or enclosure of any individual, animal, activity, process, equipment, goods, or materials of any kind, Any structure having a roof

~~supported by columns or walls for the housing or enclosure of persons, animals or chattels.~~

BUILDING ACCESSORY

A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

BUILDING FACE

Any one of the four principal exposures, front, sides or back, of a building. For purposes of sign regulations, the face of a building is that portion exposed to a street, alley or lot and is measured at ground level on a linear basis from exposed corner to exposed corner.

BUILDING HEIGHT

~~see Height, building. The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of a building to the highest point of the roof, if a flat roof, to the deckline of a mansard roof or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof; for buildings setback from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.~~

BUILDING LINE OR SETBACK LINE

A line that establishes the area within which the principal building or structure must be erected or placed and which may be located by means of a plat of subdivision or site plan at a distance greater than, but in no case less than, the minimum setbacks or yard spaces required by the zoning ordinance.

BUILDING, MAIN

A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated. The principal building or one of the principal buildings upon a lot or the building or one of the principal buildings housing the principal use upon the lot.

BUILDING OFFICIAL

~~The City Manager or his designated agent.~~

BUILDING, PORTABLE

A structure that is built off site and moved to a lot for use as storage, office, or commercial purposes, and/or that does not have a concrete slab or perimeter footings. All portable buildings shall be anchored.

BUILDING OFFICIAL

The administrative official responsible for issuing permits and enforcing the Zoning Ordinance and Building Code of the City of Lexington, Virginia

BUSINESS OR TRADE SCHOOL

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as an Educational facility, either primary and secondary, or college and university, or as a Home occupation.

BUSINESS SUPPORT SERVICE

Establishment or place of business engaged in the sale, rental or repair of office equipment, supplies and materials, or the provision of services used by office, professional and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, as well as temporary labor services.

CABERET, ADULT

A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibition of specified sexual activities or specified anatomical areas for observation by patrons therein.

CALIPER

The diameter of a tree (usually nursery stock) measured at a point six (6) inches above the ground or top of root ball for up to and including four (4) inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

CAR WASH

Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes

CAREHOME

A facility or dwelling unit housing more than four persons, but no more than 10 persons (including residential supervisory personnel, counselors and staff persons), unrelated by blood, marriage, adoption or guardianship, who are not a danger to themselves and who fall into the following categories:

- (1) ~~Physically handicapped, mentally ill, mentally retarded or developmentally disabled persons;~~
- (2) Orphans and foster children;
- (3) Battered children and women;
- (4) Pregnant teenagers;
- (5) Indigents; or
- (6) The elderly.

CATERING, COMMERCIAL (OFF-PREMISES)

The use of land where food and/or beverages are prepared on the premises and delivered to another location for consumption.

CELLAR

~~see Basement. A portion of a building having more than 1/2 of its height below grade and which may not be occupied for dwelling purposes; not to be counted as a story for the purpose of height regulations.~~

CEMETERY

A place where human remains are interred, above or below ground, and where plots are sold for that purpose, and perpetual care of the graves is furnished.

CEMETERY, PRIVATE

A place where human remains are interred above or below ground and where plots are not sold.

CENTRAL SEWAGE SYSTEM

Any system of collection and treatment of sewage, as defined by rules and regulations of the state board of health governing the disposal of sewage, serving two or more connections, whether the system is privately or publicly owned and operated.

CENTRAL WATER

Any water supply and distribution system, whether privately or publicly owned and operated, serving two or more individual connections.

CERTIFICATE OF OCCUPANCY

An official certificate issued by the City through the Building Official which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

CHANNEL

A perceptible natural or artificial waterway which periodically or continuously contains moving water confined to a definite bed and banks.

CITY COUNCIL

The governing body of the City of Lexington, Virginia.

CIVIC USE

Public parks and playgrounds, public schools, municipal buildings including police, fire and rescue facilities and all other publicly owned structures.

CLINIC

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. The term, "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility. An establishment where persons are given medical, dental, surgical or mental health diagnosis, treatment, or counseling on an outpatient basis.

CLUB

A use providing educational, meeting, or social facilities for civic or social clubs, fraternal/sororal organization, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. A Club does not include a building in which members reside.

CLUSTER DEVELOPMENT

A development design technique that concentrates buildings on a part of a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive features.

CLUSTER SUBDIVISION

A development that may allow for a reduction in lot area and bulk requirements, and may provide for an increase in the number of lots permitted under a conventional subdivision (an increase in overall density of development), in proportion to the remaining land area that is devoted to open space.

CODE OF VIRGINIA

The Code of Virginia of 1950, as it may be amended from time to time. ("This Code", however, refers to the Code of the City of Lexington, Virginia.)

COMMERCIAL INDOOR AMUSEMENT

Establishments which provide multiple coin operated amusement or entertainment devices or machines as other than an incidental use of the premises. Such devices would include pinball machines, video games, and other games of skill or scoring, and would include pool and/or billiard tables, whether or not they are coin operated. Typical uses include game rooms, billiard and pool halls, and video arcades.

COMMERCIAL INDOOR ENTERTAINMENT

Predominantly spectator uses conducted within an enclosed building. Typical uses include, but are not limited to, motion picture theaters, and concert or music halls.

COMMERCIAL INDOOR SPORTS AND RECREATION

Predominantly participant uses conducted within an enclosed building. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquetball, swimming, and/or tennis facilities.

COMMERCIAL OUTDOOR ENTERTAINMENT

Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include, but are not limited to, sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

COMMERCIAL OUTDOOR SPORTS AND RECREATION

Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include, but are not limited to, driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, paintball facilities, and motorized model airplane flying facilities.

COMMERCIAL VEHICLE REPAIR SERVICE

Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

COMMISSION

The City Planning Commission.

COMMON ELEMENTS

All portions of a cooperative other than the units.

COMMON AREA

A tract or parcel of land not devoted to residential uses or structures; but directly related to and adjunct to a planned development, cluster development or subdivision and which is owned and/or controlled by the residents of owners of such development.

COMMUNICATIONS SERVICE

Establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as Utility services, major or Broadcasting or communication towers. Typical uses include television studios, telecommunication service centers, telegraph service offices or film and sound recording facilities.

CONDOMINIUM

see Multi-family dwelling. A dwelling unit in an apartment building or residential development which is individually owned but in which the common areas are owned, controlled and maintained through an organization consisting of all individual owners.

CONSERVATION EASEMENT

The granting of a property's development rights to an agency that stipulates that the described land will remain in its natural state and precludes future or additional development.

CONSTRUCTION, NEW

For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM (Flood Insurance Rate Map) or after December 31, 1974, whichever is later, and includes any subsequent improvements of such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a

floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

CONSTRUCTION SALES AND SERVICE

Establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

CONSTRUCTION SIGN

A temporary sign identifying an architect, developer, builder, general contractor, subcontractor, material supplier, and or financing entity participating in construction on the property on which the sign is located.

CONSTRUCTION, START OF

The date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

CONSTRUCTION YARD

Establishment or place of business primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

CONSUMER REPAIR SERVICE

Establishment or place of business primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

CONVENIENCE STORE

see Store, neighborhood convenience. A use offering a variety of groceries, household goods, personal care items, prepackaged foods, and/or prepared foods, always in association with the retail sale and dispensing of motor fuels as an accessory use, but in all cases excluding vehicle service, maintenance and/or repair.

[Added 5-2-2013 by Ord. No. 2013-02]

COTTAGE

A single, permanent detached dwelling unit, which may or may not contain cooking and bathroom facilities, dedicated to temporary occupancy for purposes of recreation, education or vacation. Rental properties meeting the above description shall be considered cottages.

CONVERSION BUILDING

A building that at any time before establishment of the cooperative was occupied wholly or partially by persons other than persons with an ownership interest in the cooperative organization owning or leasing the

cooperative.

COOPERATIVE

~~Real estate owned or leased by a cooperative organization.~~

COOPERATIVE INTEREST

~~A leasehold interest under a proprietary lease coupled with ownership of an interest in the cooperative organization.~~

COOPERATIVE ORGANIZATION

~~Any corporation or entity which owns or leases real estate and disposes of cooperative interests in such real estate.~~

COOPERATIVE UNIT

~~A physical portion of the cooperative designed for separate tenancy.~~

COUNTRY CLUB

A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

CULTURAL SERVICES

An establishment for the preservation of art, scientific, cultural or historical materials, music, or live theatrical or musical productions.

CURB CUT

Any interruption or break in the line of the street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

CUSTOM MANUFACTURING

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses, or a single kiln.

DANCE HALL

A place of assembly where dances, parties, receptions, and other gatherings are held for profit, except when sponsored by civic, charitable, or nonprofit groups.

DARK SKY LIGHTING

A term that refers to shielded light fixtures that cast light downward and generally conform to the specifications endorsed by the International Dark-Sky Association (IDA).

DAY CARE CENTER

Any facility operated for the purpose of providing care, protection and guidance to 10 or more individuals during only part of a twenty-four hour day. This term includes nursery schools, preschools, day care centers for individuals including adults, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period.

DECK

A structure, without a roof, directly adjacent to a principal building, which has an average elevation of 30 inches or greater from finished grade. A deck may be constructed of any materials.

DEDICATION

The transfer of private property to public ownership upon written acceptance.

DEVELOPER

see- Applicant.

DEVELOPMENT

Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DISTRICT

A district as referred to in §45.1-486 15.2-2282 of the Code of Virginia.^[1]

~~DRIVE-THROUGH~~

~~A facility, also known as a "drive-in," generally accessory to a principal use, where business is transacted from the vehicles of customers or patrons; this shall not include car washing or fuel dispensing facilities.~~

~~[Added 5-2-2013 by Ord. No. 2013-02]~~

DRIVEWAY

A private road giving access from a public way to parking spaces on abutting lots.

DWELLING

Any building or portion thereof which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses and motels.

DWELLING, MULTIPLE-FAMILY

A building arranged or designed to be occupied by three or more household dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type would be garden apartments, low and high rise apartments, apartments for elderly housing and condominiums.

DWELLING, SINGLE-FAMILY ATTACHED

A building arranged or designed to be occupied by one household unit, the structure having only one dwelling unit. Two or more single family dwellings sharing two or more common walls, each on its own individual lot. Attached dwellings are not vertically stacked.

DWELLING, SINGLE-FAMILY DETACHED

A site built or modular building designed for or used exclusively as one dwelling unit for permanent occupancy, which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means

DWELLING, TOWNHOUSE

A grouping of three or more attached single-family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

DWELLING, TWO-FAMILY

Also referred to as a duplex; The use of an individual lot for two dwelling units which share at least one common wall, each occupied by one family, that separates living space (i.e., living room, kitchen, bedroom, bathroom, etc.). Each dwelling unit may be vertically stacked. The exterior appearance of the whole resembles a single structure.
~~A building arranged or designed to be occupied by two household units, the structure having only two dwelling units.~~

DWELLING UNIT

A room or group of rooms connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure. One or more rooms in a dwelling designed for living or sleeping purposes and having at least one kitchen. Only one household unit may occupy a dwelling unit.

EASEMENT

A grant by a property owner of the use of land for a specified purpose.

EDUCATIONAL FACILITY, COLLEGE/UNIVERSITY

An educational institution authorized by the Commonwealth of Virginia to award associate, baccalaureate or higher degrees, and facilities associated with it. This term includes academic buildings, administrative facilities, dormitories, special housing, parking areas, dining halls and other physical plants associated with the college or university use.

EDUCATIONAL FACILITY, PRIMARY/SECONDARY

A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

EMERGENCY SHELTER

A facility promoting temporary housing for one or more individuals who are otherwise temporarily or permanently homeless.

ENTERTAINMENT ESTABLISHMENT, ADULT

Any adult cabaret, adult motion picture theater, or adult video-viewing or arcade booth.

EQUIPMENT SALES AND RENTAL

Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

ESTABLISHMENT

Any entity or individual conducting a business, profession, or trade; and any entity or individual conducting a civic, community service, or nonprofit activity.

FAA

The Federal Aviation Administration.

FAÇADE

An entire outside wall of a structure, including wall faces, parapets, fascia, windows, and doors, of one complete elevation.

FAIR MARKET VALUE

The price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

FAMILY

One or more persons related by blood, adoption or marriage, living or cooking together as a single housekeeping unit. The persons constituting a family may include foster children and domestic servants.

FAMILY HOME DAY CARE

A single-family dwelling in which more than five but less than 13 individuals, are received for care, protection and guidance during only part of a twenty-four-hour day. Individuals related by blood, legal adoption or marriage to the person who maintains the home shall not be counted towards this total. The care of 5 or fewer individuals for portions of a day shall be considered as a Home occupation. The accessory use of a dwelling unit to provide day care for more than five children or in which a person other than the immediate family which resides in the home is employed. Care may be provided for up to 12 children. One person may be employed who does not reside in the home. Certification by the Commonwealth of Virginia is required.

FAMILY HEALTH CARE STRUCTURE, TEMPORARY

Pursuant to all conditions set forth in the Code of Virginia §15.2-2292.1, a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person, or in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person and the other requires assistance with one or more activities of daily living as defined in §63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§36-70 et seq.).

FARMER'S MARKET

Retail sale of fresh fruits and vegetables, and other food and related items, at a facility with spaces occupied by several different temporary tenants on a short term or daily basis; indoor or outdoor; but this term does not include roadside stands.

FENCE

A freestanding structure of metal, masonry, composition, vinyl or wood or any combination, resting on or partially buried in the ground and rising above ground level, with posts at regular intervals, and used for confinement, screening, or partition purposes.

FINANCIAL INSTITUTION

An establishment whose principal purpose is the provision of financial services, including but not limited to, banks, accounting offices, tax-preparation offices, lenders and securities brokers.

FLAG LOT

see Lot, pipestem.

FLOOD

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland waters.
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (c) Mud slides (i.e., mud flows) which are proximately caused by flooding as defined in Subsection (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) of this definition.

FLOODPLAIN

- (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation.
- (2) An area subject to the unusual and rapid accumulation or runoff of surface water from any source.

FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source.

FLOODWAY

The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of one-hundred-year magnitude.

FLOOR AREA, GROSS

The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude basements and attics. The surface area of tennis courts, swimming pools, driveways, surface parking spaces, decks, patios, and porches, is not included in the total gross floor area.

FLOOR AREA RATIO (FAR)

The ratio of gross floor area of all structures on a lot to total lot area.

FRATERNITY HOUSE AND SORORITY HOUSE, UNIVERSITY-ADMINISTRATED

A fraternity or sorority house owned and directly administered by the college or university with which it is affiliated.

FRONTAGE ROAD

A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

FRONTAGE WIDTH

see Lot frontage.

FULL CUTOFF LUMINAIRE

An outdoor light fixture shielded in such a manner that all light emitted by the fixture is projected below the horizontal plane; also a type of dark sky lighting.

FUNERAL HOME

Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

GARAGE, COMMERCIAL

see Automobile service station or Commercial vehicle repair service.

GARAGE, PRIVATE

An accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of 1½ times as many automobiles as there are dwelling units.

GARAGE, PUBLIC

~~A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.~~

GARDEN APARTMENT

~~A building of one or two stories used or intended to be used as a residence of three or more families living independently of each other and constructed in such a manner as to define an inner court or garden area.~~

GARDEN CENTER

Establishments or places of business primarily engaged in retail sales from the premises including trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural, residential and commercial consumers. Such establishments typically sell products purchased from others, but may sell

material which they grow themselves.

GASOLINE STATION

Any place of business with fuel pumps and underground storage tanks which provides fuels and oil for motor vehicles. A store associated with automobile fuel sales shall be considered a gasoline station.

GLARE

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GOLF COURSE

A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par 3 golf courses. Specifically excluded would be independent driving ranges and any miniature golf course.

GOVERNING BODY

The Mayor and Council of the City.

GRADE

The lowest of:

1. Lowest elevation of the street at the curb;
2. Established or mean street elevation if curb not established;
3. Lowest elevation of finished ground surface on any side of the building or property.

GRANDFATHERED

A term referencing a use or structure that is not in conformance with the current ordinance but that was legal at the time it was established or constructed. Also referred to as a legally non-conforming use/structure.

GREENHOUSE

A building with transparent walls and roof; for the cultivation and exhibition of plants under controlled conditions.

GREENHOUSE, COMMERCIAL

A greenhouse operation in which plants are offered for sale to the public, either at wholesale or at retail.

GREENWAY

A corridor of open space managed for conservation, recreation and non-motorized transportation. Greenways often follow natural geographic features such as ridge lines, stream valleys, and rivers, but may also be built along canals, utility corridors, abandoned rail lines and the like. Greenways may include a trail or bike path or may be designed strictly for environmental or scenic protection.

GROSS PUBLIC FLOOR AREA

The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), plus aisles, hallways, and entryways serving such areas.

GROUP HOME

A licensed residential facility in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, shall be considered a residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance. Such facility shall be licensed by the Commonwealth of Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, in order to qualify as a single family use.

GUESTROOM

A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking.

GUIDANCE SERVICES

A use providing counseling, guidance, recuperative, or similar services for persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar conditions for only part of a twenty-four-hour day.

HALFWAY HOUSE

An establishment providing accommodations, supervision, rehabilitation, counseling, and other guidance services to persons suffering from alcohol or drug addiction, to persons re-entering society after being released from a correctional facility or other institution, or to persons suffering from similar disorders.

HAZARDOUS SUBSTANCE

A substance listed under United States Public Law 96-510, entitled the Comprehensive Environmental Response Compensation and Liability Act.

HEAVY EQUIPMENT SALES AND RENTAL

The use of land for the sale, lease, or rental of new or used Commercial Vehicles or trucks, trailers, construction equipment, agricultural implements or similar industrial equipment. Included in this use are the incidental storage, minor maintenance, and routine servicing of such equipment, but does not include a Junkyard as defined by this chapter.

HEIGHT

When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

HEIGHT, BUILDING

The vertical distance measured from the adjoining grade at the front entrance of the building or structure to the highest point of the structure. For corner lots, the building height shall be the average of the front height defined above and the building side height adjacent to the street. The building side height shall be defined as the vertical distance measured from the lowest adjoining grade on the side adjacent to the street to the highest point of the structure.

HEIGHT, STRUCTURE

The distance between the highest point of any structure, and the lowest grade adjacent to the structure.

HEIGHT, TREE

The measurement taken from the top of the root ball to the top of the trunk.

HIGH-RISE APARTMENT

A building used or intended to be used as a residence of three or more household units living independently of each other and constructed 35 or more feet in height.

HISTORICAL AREA

An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the area, of such significance as to warrant conservation and preservation. An historic area is not currently in, or does not currently constitute, an historic district.

HISTORIC DISTRICT

A site, structure, landmark, one or more of them, or a group of them, which have unique architectural, historic, cultural, or archaeological importance to the county, the Commonwealth, or the nation, and which are designated on the official zoning map as constituting an historic district.

HISTORIC SITE

A building, place or area in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

HISTORIC STRUCTURE

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

HOME FOR ADULTS

A dwelling unit providing a residence for the elderly with more than five (5) persons for purposes of providing special training, education, habilitation, rehabilitation, custodial care or supervision; provided that a licensed residential facility for eight (8) or fewer mentally ill, mentally retarded, or developmentally disabled persons, with one or more resident counselors or other support staff, shall be considered a single-family residence.

HOME GARDENS

Gardens in residential districts for the production of vegetables, fruits and flowers generally for use or consumption by the occupants of the premises.

HOME OCCUPATION, CLASS A

An occupation conducted primarily on-site involving persons residing on the premises. Such occupations may require the use of accessory structures or outside areas. No more than five clients or customers shall be allowed on the premises at any one time on a regular basis. ~~Any business, occupation or activity undertaken for financial gain within a residential structure, accessory structure or on a lot in a residential district that is incidental and secondary to the use of the property for residential purposes.~~

HOME OCCUPATION, CLASS B

An occupation conducted primarily on-site involving persons residing on the premises and not more than two (2) full or part-time outside employees. Such occupations may require the use of accessory structures or outside areas. No more than 10 clients or customers shall be allowed on the premises at any one time on a regular basis.

HOSPITAL

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment diagnostic services, training, research, administration, and services to patients, employees, or visitors. An institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

HOTEL

also referred to as a motel or motor lodge; A building or group of attached or detached buildings containing lodging units intended primarily for rental or lease to transients by the day, week, or month. Such uses generally provide additional services such as daily maid service, restaurants, meeting rooms, and/or recreation facilities. A building designed or occupied as the more or less temporary abiding place of 15 or more transient individuals who are, for compensation, provided lodging, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

HOUSEHOLD UNIT

A family and/or a specified number of persons not related by blood, adoption or marriage living and cooking together as a single housekeeping unit.

INDUSTRY, LIGHT

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Use may include, but are not limited to, a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, any other product of a similar nature.

INTERIOR PARKING LOT ISLAND

An island or planter that is surrounded on at least 3 sides by a parking lot or access road.

JUNKYARD

An establishment or place of business which is maintained, operated or used for storing, keeping, housing or buying junk or for the maintenance or operation of an automobile graveyard, which is any lot or place, exposed to the weather, upon which more than five motor vehicles of any kind, incapable of being operated, are placed and the term shall include garbage dumps and sanitary fills.

KENNEL

Any lot, building, structure, enclosure or premises where grooming, breeding, boarding, training or selling of animals is conducted as a business.

KIOSK

A small, free-standing, one story accessory structure having a maximum floor area of one hundred (100) square feet and used for retail purposes, such as automatic teller machines, or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

LABORATORY

An establishment whose principal purpose is the research, compounding and/or packaging of scientific products, which may include light manufacturing.

LANDSCAPING

The improvement of the appearance of an area by the planting of trees, grass, shrubs, or other plant materials, or by the alteration of the contours of the ground.

LAUNDRY, COMMERCIAL

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

LIFE CARE FACILITY

A residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents. An Assisted Living facility would not be included in this definition.

LIGHT POLLUTION

Any adverse effect of man-made light including sky glow, glare, light trespass, light clutter, and decreased visibility at night.

LIGHT TRESPASS

Light sources casting excessive light upon adjacent property or upon a public right-of-way, also called light spillover.

LIQUOR

Any alcoholic beverage other than beer, wine, or cider, as those terms are defined in Virginia Code § 4.1-100 and 4.1-213.

LIQUOR STORE

Any privately owned store (i) licensed by the Commonwealth of Virginia to sell liquor for off-premises consumption, but excluding Breweries or Distilleries as defined by this chapter, and (ii) in which liquor makes up more than 10 percent of its stock in trade or occupies more than 10 percent of its net floor area.

LOADING SPACE

An off-street space used for the delivery and loading/unloading of vehicles.

LODGINGHOUSE

A building, other than a hotel, where lodging is provided for not fewer than five nor more than 15 nontransient, unrelated persons and which is occupied by the owner.

LOT

A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivisions or as otherwise permitted by law. ~~A unit of land usable as a building site and having frontage on a public street in compliance with the requirements of the district in which it is situated.~~

LOT AREA

The total area, measure on a horizontal plane, included within lot lines. In residential zoning districts, lot area shall be defined as the area of the lot that excludes major utility easements (e.g. gas pipeline, electric, etc.)

and an area that lies within the 100-year flood plain (as it is established at the time of the final plat approval).

LOT, CORNER

A lot abutting on two or more streets at their intersection; of the two sides of a corner lot abutting streets, the front shall be deemed to be the shortest of the two sides abutting streets.

LOT DEPTH

The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE-FRONTAGE

An interior lot having frontage on two streets.

LOT, INTERIOR

Any lot other than a corner lot.

LOT IRREGULAR

A lot of such a shape or configuration that technically meets the area, frontage and width to depth requirements of this ordinance but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

LOT, LINE

Any line or curve in the boundary of a Lot.

LOT OF RECORD

A lot which has been recorded in the clerk's office of the circuit court.

LOT, PIPESTEM

A "panhandle" or "flag" shaped lot with its widest point set back from the road at the rear of another lot (called the pipe), and having a thin strip of land connecting to the road to provide legal access and frontage (called the stem). Pipestem lots are also referred to as panhandle lots or flag lots.

LOT WIDTH

The width of any lot at the setback line, calculated by measuring back a uniform distance from the street line as required by the setback regulation. If the street line curves or angles, the setback line shall also curve or angle uniformly with the street line and the lot width shall be calculated along the curve or angle setback line.
The average horizontal distance between the side lot lines.

~~MAJOR RECREATIONAL EQUIPMENT~~

~~Boats, boat trailers, travel trailers, pickup campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, etc., and cars or boxes used for transporting recreational equipment, whether occupied by such equipment or not.~~

MANUFACTURE; MANUFACTURING

The processing and/or converting of raw, unfinished materials or products into articles or substances of different character or for use for a different purpose.

MANUFACTURED HOME

A structure subject to federal regulations which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode or is 320 or more square feet when erected on site; is built on a permanent chassis; and is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required facilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. Some manufactured homes are also referred to as mobile homes.

MANUFACTURED HOME PARK

also referred to as mobile home park or trailer park; Any area designed to accommodate two or more manufactured

homes intended for residential use.

MEDIA, ADULT

Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

MEDICAL CARE FACILITY

Any medical facility other than a Hospital or Nursing Home as defined by this chapter, which 1) contains office space for diagnostic or outpatient care along with associated medical facilities such as pharmacy, laboratory, physical therapy facility, or other similar facility, but does not provide inpatient hospitalization, 2) holds a Certificate of Public Need authorization from the Virginia Department of Health, 3) is licensed by or registered with the Virginia Department of Health, 4) is operated for the performance of surgical or other procedures where the patient is not capable of self-preservation during the procedure or recovery, or 5) is held out to the public as providing a level of service beyond that of a physician's or dentist's office.

MINI-WAREHOUSE

A building designed to provide rental storage space in cubicles where each cubicle has a maximum floor area of 400 square feet. Each cubicle shall be enclosed by walls and ceiling and have a separate entrance for the loading and unloading of stored goods. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

MOBILE HOME

~~An industrialized building unit constructed on a chassis for towing to the point of use and designed to be used for continuous year-round occupancy as a dwelling; also, two or more such units separately livable but designed to be joined together at the point of use to form a single dwelling and designed for removal to and installation or erection on other sites.~~

MOBILE MANUFACTURED HOME LOT

~~A lot within a mobile manufactured home park for the use of a single mobile manufactured home conforming to the special lot requirements of these regulations and having direct access to a street with the mobile manufactured home park.~~

MOBILE HOME STAND

~~A space on a mobile home lot designed to be occupied by a mobile home.~~

MOBILE HOME TRAVEL TRAILER PARK

~~A planned development designed for mobile home or travel trailer use.~~

MODULAR HOME

~~A dwelling unit primarily manufactured off-site in accordance with the Virginia Uniform Statewide Building Code standards and transported to the building site for final assembly on a permanent foundation. A building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off site, and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as part of a finished building comprising two or more industrialized building units and not designed for ready removal to or installation or erection on another site.~~

MULTI-ESTABLISHMENT BUILDING

A structure containing more than one establishment.

NATIONAL REGISTER OF HISTORIC PLACES

The official list, maintained by the National Park Service of the United States Department of the Interior, of historic resources considered by that agency to be worthy of preservation.

NEW CONSTRUCTION

~~For the purposes of determining insurance rates, structures for which the start of construction commenced on or~~

~~after the effective date of an initial FIRM (Flood Insurance Rate Map) or after December 31, 1974, whichever is later, and includes any subsequent improvements of such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.~~

NONCONFORMING LOT

An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

NONCONFORMING SIGN

Any sign, the area, dimensions or location of which were lawful at the time the sign was erected, but which fail to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

NONCONFORMING STRUCTURE

An otherwise legal building or structure that does not conform to the lot area, yard, height, lot coverage or other area regulations of this chapter or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

NONCONFORMING USE

A use or activity which was legal when originally established, but that fails to conform to the current standards and regulations due to the adoption, revision or amendment of the subdivision ordinance. The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

NURSING HOME

A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

OCCUPANCY

The period during which one owns, rents, uses, or occupies a certain premises or land.

OCCUPANT

A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

OFFICE, GENERAL

The use of land wherein the primary use is the conduct of a business or profession such as, but not limited to accounting, architecture, computer software, or information systems research and development, engineering, insurance, law, management, organization and association offices, psychology, theology, real estate and travel. Retail Sales do not comprise more than an Accessory Use of the primary activity of a General Office. This definition does not include Medical Office as defined by this chapter.

OFFICE, MEDICAL

The use of a site for facilities which provide diagnoses, minor surgical care, and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia.

Emergency treatment is not the dominant type of care provided at this facility.

OFF-STREET PARKING AREA

Space provided for vehicular parking outside a dedicated street or accessway right-of-way.

OPEN SPACE

Any parcel of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment. Open space may include active recreational facilities such as swimming pools, play equipment, ball fields, court games, and picnic areas.

OPEN SPACE, COMMON

Land within or related to a development, not individually owned or dedicated for public use, which is intended for the common use or enjoyment of the residents of the development and may include such complementary structures as are necessary and appropriate. Common open space may include, recreation centers, swimming pools, tennis and basketball courts, and similar facilities.

OPEN SPACE, REQUIRED

Any space required in any front, side, or rear yard.

OUTDOOR DISPLAY LOT

Outdoor portion of a retail use open to the public and dedicated to the display of wares for customer inspection.

OUTDOOR STORAGE

The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than twenty-four consecutive hours.

PARCEL OR PARCEL OF LAND

A lot or parcel which is described by plat or other legal description.

PARKING FACILITY

A site for surface parking or a parking structure use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use.

PARKING LOT AREA

The square foot area of the parking spaces and aisles and interior parking lot islands, excluding access drives that do not have parking spaces within them.

PARKING SPACE, COMPACT

A space for parking one passenger automobile that is 16' long and 8' wide and is marked "Compact car."

PARKING SPACE, NORMAL

An area not less than 10 feet wide by 20 feet long for an automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

PARKING STRUCTURE, MULTILEVEL

A structure with multiple stories designed for the parking of passenger vehicles and in which there is no provision for the repairing of vehicles.

PATIO

A level surfaced area directly adjacent to a principal building which has an average elevation of not more than 30 inches from finished grade, and without walls or a roof. A patio may be constructed of any materials.

PAWN SHOP

A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

PEDESTRIAN WAYS

Paved, marked or otherwise designated pedestrian treatments meeting AASHTO standards.

PERSON

An individual, firm, corporation, or association.

PERSONAL IMPROVEMENT SERVICES

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

PERSONAL SERVICES

Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; seamstresses, tailors, or shoe repairs; florists; and laundromats and dry cleaning stations serving individuals and households.

PLAT

A map or plan of a parcel of land that is to be, or has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

PORCH

A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from, a building.

POSTAL OFFICE

Postal services directly available to the consumer operated by the United States Postal Service.

PORTABLE SIGN

Any sign which is not permanently affixed to the ground or to a building or structure and which can be picked up and moved by hand.

POSTER PANEL

Any sign or advertisement used as an outdoor display for the purpose of making anything known about the matter advertised or displayed, being remote from its origin or point of sale.

PREMISES

see Lot.

PRESERVATION

The act or process of applying measures to sustain the existing form, integrity, and material of a site, structure, or landmark and their existing form and vegetative cover. Preservation may include initial stabilization work, where necessary, as well as ongoing maintenance of these elements.

PRINCIPAL BUILDING OR STRUCTURE

A building or structure in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USE

The main use of land or structures as distinguished from a secondary or accessory use.

PRIMARY RESIDENCE WITH AN ACCESSORY APARTMENT

A residential use having the external appearance of a single-family residence in which there is located a second dwelling unit that comprises no more than 25% of the gross floor area of the building nor more than a total of 750 square feet.

PROPERTY

Any tract, lot, parcel or several of such tracts, lots or parcels collected together.

PUBLIC

Unless otherwise specifically indicated, public shall mean anything owned, operated, provided and/or maintained by a local, state, or federal government.

PUBLIC ASSEMBLY

Facilities that accommodate public assembly for sports, amusements, or entertainment purposes. Typical uses include auditoriums, sports stadiums, convention facilities, and incidental sales and exhibition facilities.

PUBLIC MAINTENANCE AND SERVICE FACILITY

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment services centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

PUBLIC PARK AND RECREATIONAL AREA

Publicly owned and operated parks, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, amphitheaters, game preserves, open spaces, and other similar uses. This shall not include Public recreation assembly.

PUBLIC PARKING

Any area used primarily or regularly for parking motor vehicles; or to any parking space or area required to be provided by any law; except for parking provided solely to reserve a single-family dwelling.

PUBLIC RECREATION ASSEMBLY

Publicly-owned and operated community, civic, or recreation centers, year-round swimming facilities, or indoor performing arts/auditoriums.

PUBLIC USE

Any use for exclusively public purposes without reference to the ownership or structures or the realty upon which it is situated by any department or branch of the federal government, commonwealth, county or town.

PUBLIC UTILITY

Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing, under federal, state or municipal regulations, to the public electricity, gas, steam, communications, telegraph, transportation or water.

RECONSTRUCTION

Any work needed to remake or rebuild a part of any Building to a sound condition, but not necessarily using original materials.

RECREATION, ACTIVE

Those recreational pursuits which require physical alteration to the area in which they are performed including, but not limited to, pedestrian ways, bikeways, tennis courts, swimming and boating areas, playgrounds, and play fields.

RECREATION, PASSIVE

Recreational activities that generally do not require a developed site such as hiking, horseback riding, and picnicking.

RECREATION FACILITY, PRIVATE

A private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

RECREATION FACILITY, PUBLIC

Publicly owned or operated recreation facilities.

RECREATIONAL VEHICLE

A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel, or seasonal use.

REQUIRED OPEN SPACE

Any space required in any front, side or rear yard.

RECYCLING CENTER

A facility used by the general public for the collection of materials for recycling or reuse, including bins, boxes, buildings, self-propelled motor vehicles, trailers and other enclosures or receptacles. Except for City or other governmental sponsored programs to collect and/or recycle household hazardous wastes, this definition shall not include facilities for the collection of non-recyclable materials, such as business and household refuse, garbage, organic materials, medical waste, trash, junk, toxic substances or similar materials.

REFUSE COLLECTION SITE

Facility for the collection of non-recyclable materials, such as business and household refuse, garbage, organic materials, medical waste, trash, junk, toxic substances or similar materials.

RELIGIOUS ASSEMBLY

A use located in a permanent building and providing regular organized religious worship and related incidental activities, except primary or secondary schools and day care facilities.

REPLACEMENT COST

The cost of restoring a damaged building or structure to its original condition. Replacement cost shall include reasonable estimates of the cost of materials and labor and shall be compared with the assessed value as determined by the County Assessor to determine the percentage of the cost of improvements.

RESEARCH AND DEVELOPMENT

A business which engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

RESIDENTIAL DENSITY

A measure of dwelling units per acre. The number of units shall be rounded up to the next whole unit (e.g. a 5.2 unit/acre average would be counted as 6 units/acre).

RESTAURANT

Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafeterias, cafes, tearooms, confectionery shops, refreshment stands and drive-ins.

RESTAURANT, DRIVE-IN

An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery or table service, served in disposable containers at a counter and a drive-up or drive through service facility, or which offers curb service

RESTAURANT, FAST FOOD

An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery or table service, served in disposable containers at a counter. This use type does not employ a drive-up or drive-through service facility, and does not offer curb service.

RESTAURANT, GENERAL

An establishment engaged in the preparation of food and beverages containing more than 2,000 gross square feet and characterized primarily by table service to customers in non-disposable containers.

RESTAURANT, SMALL

An establishment engaged in the preparation of food and beverages containing no more than 2,000 gross square feet and characterized primarily by table service to customers in non-disposable containers. Typical uses include cafes, coffee shops, and eat-in delis.

RETIREMENT HOME

~~A place, establishment or institution, public or private, operated or maintained for the purpose of providing maintenance and minimal care for two or more elderly persons. "Minimal care," as used herein, is a lesser degree of care than that provided by hospitals and nursing homes, as defined in §32.1-123 of the Code of Virginia.~~

RIGHT-OF-WAY

A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

ROAD

see Street.

SALVAGE AND SCRAP SERVICE

Place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses included paper and metal salvage yards, automotive wrecking yards, junk yards, used tire storage yards, or retail and/or wholesale sales of used automobiles parts and supplies.

SAWMILL, TEMPORARY

A portable sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto, or incidental processing of timber

transported from other property.

SCHOOL, PRIVATE

Any building or group of buildings the use of which meets state requirements for elementary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

SCREENING

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation. Screening is intended to substantially, but not necessarily totally, obscure visual impacts between adjoining uses.

SERVICE BAY

An enclosed or partially enclosed area where motor vehicles are parked while they are serviced or repaired.

SERVICE STALL

A non-enclosed area where motor vehicles are parked while they are serviced or repaired, which may be covered but not enclosed by walls or doors.

SETBACK

The minimum distance by which any building or structure must be separated from the front lot line.

SETBACK LINE

see Building Line.

SHELTER

A facility providing temporary protective sanctuary for victims of crime or abuse including emergency housing during crisis intervention for individuals, such as victims of rape, child abuse, or physical beatings.

SHOPPING CENTER

A group of commercial establishments planned, constructed and managed as a total entity with shared access, customer and employee parking provided onsite, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements.

SHOOTING RANGE, INDOOR

The use of a structure for archery or firearms for the purposes of target practice or competitions.

SHRUB

A woody plant producing multiple shoots or stems from the base height, with a total height of 15 feet or less. Also, when used to meet the landscaping criteria of the zoning ordinance, a perennial planting that, at the time of planting, has a minimum height of two (2) feet measured from the ground elevation after planting.

SIGN

A ~~structure or device~~ display designed or intended to convey information to the public in written or pictorial form where such display is made on, attached to, or as part of a structure, surface, or any other thing, including but not limited to the ground, any rock, tree or other natural object which display is visible beyond the boundaries of the parcel of land on which it is made. The term shall not be construed to include any display of merchandise or temporary signage displayed within a show window of a business and intended for a limited period of display. A display of less than one square foot in area is excluded from this definition.

The categories of signs referred to in this chapter are as follows:

SIGN, AREA OR SURFACE

The area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, but excluding supports, unless such supports are used to attract attention. In the case of a sign where lettering appears back-to-back, that is, on opposite sides of the sign, the area shall be considered to be that of only one face. In the case of an open sign made up of individual letters, figures, or designs, the area shall be determined as if such display were made on a sign with straight lines or circular sides. That area enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display. The area of a sign composed of characters or words attached directly to a building wall surface shall be the smallest rectangle which encloses the whole group. The maximum allowable area for projecting and freestanding signs having not more than two faces directly opposed to each other, not more than one foot apart, supported by the same structure, shall be determined by measuring one face only. The total area of any two-faced sign other than that described above shall not exceed a maximum of 110 square feet. For signs having more than two faces which form a regular geometric shape of 360° from a top and/or side view, the total area of all sign faces shall be divided by two for the purpose of calculating the permitted sign area in the C-2 and C-3 Commercial Districts.

SIGN, A-FRAME

A temporary, portable sign used at a place of business to provide information to pedestrians and slow moving vehicles. The sign may be one or two sided.

SIGN, ANIMATED

A sign which changes physical position or involves the use of motion, rotation, or the appearance of motion.

SIGN, AWNING

see Sign, Canopy.

SIGN, BANNER

A temporary sign made of cloth, paper, vinyl or like material attached to a wall so as to remain in a generally stationary position.

SIGN, BENCH

A sign painted, located on, or attached to any part of the surface of a bench, seat or chair placed on or adjacent to a public place or roadway.

SIGN, BILLBOARD

see Sign, Off-premises.

SIGN, CANOPY

A sign placed directly on or attached to the surface of an awning or canopy.

SIGN, CHANGEABLE

A sign or part of a sign that is designed so that characters, letters or illustrations can be mechanically or physically changed or rearranged without altering the face or surface of the sign.

SIGN, DIRECTORY, FREESTANDING

A freestanding sign listing the tenants or occupants of a building or group of buildings (see also Sign, freestanding). A device, as defined under "sign," affixed to a freestanding structure in a central location to list the persons, firms or corporations located in a given C-2 District.

SIGN, DIRECTORY, WALL

A wall sign listing the tenants or occupants of a building or group of buildings.

SIGN, DOUBLE FACED

A sign with two parallel or nearly parallel faces, back to back, upon which advertising is displayed.

SIGN, ELECTRONIC MESSAGE BOARD

Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

SIGN, FACE

The area or display surface used for the message, not including any framing, trim or molding, or the support structure. Face area is calculated using the same mathematical formulas as for sign areas.

SIGN, FLAGS

Cloth or similar flexible fabric attached to a pole at one end such that the material can bend or flutter from the point (s) of attachment.

SIGN, FLASHING

Any illuminated sign on which there is artificial light which is not stationary or constant in intensity or color at all times when such sign is in use.

SIGN, FLAT WALL

A sign affixed directly to or painted on or otherwise inscribed on an exterior wall, and confined within the limits thereof, of any building and which projects from such surface less than 18 inches at all points.

SIGN, FREESTANDING

Sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure, or a monument form without separate supporting elements.

SIGN, GOVERNMENT

Government signs that are approved by the city council or installed for the public benefit by the City of Lexington.

SIGN, HANGING HOUSE OR ADDRESS NUMBERS

House numbers hanging from a lamppost or similar.

SIGN, HANGING

see Projecting sign.

SIGN HEIGHT

Distance measured in feet and inches from the ground below the sign to highest point of sign to include sign structure, or in the case of wall signs on upper floors, from the floor level immediately below the sign to the highest point of the sign. Artificially increasing the height of the sign by berming or mounding dirt or other material at the sign base is prohibited.

SIGN, IDENTIFICATION FOR PLACES AND INSTITUTIONS

A sign which displays the identification information for a public building, public park, playground, community building, hospital, cemetery, children's home, orphanage, place of religious worship, fraternal organization, apartment complex, assisted living facility or nursing home, or residential subdivision.

SIGN, ILLUMINATED

A sign illuminated in any manner by an artificial light source, whether internally or externally lit. Externally illuminated signs are those that have a light source projecting onto the face of the sign either by downlighting

or indirectly with fluorescent, halogen or a source that gives off natural white light. Internally illuminated signs are those that have a light source inside or behind the sign structure or sign face which projects lights through or from the sign face.

SIGN, INDIVIDUAL LETTER

A sign made up of letters only that are attached directly to the building.

SIGN, INFLATABLE

Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event

SIGN, MARQUEES

see Sign, canopy

SIGN, MINOR

A small, adjunct sign for specific functional purposes. Examples include trespassing signs, security warning signs, on-site directional signs, and the like.

SIGN, MOVING OR ROTATING

An environmentally activated sign or other display with mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights. Hand held signs are not included; see Portable Sign.

SIGN, NEON

A sign that uses light-emitting gas to convey a message in a form such as letters, numbers, and figures.

SIGN, OFF-PREMISE

A sign which directs attention to a business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected.

SIGN, PAINTED

Any sign painted on the exterior surface of a building; includes a mural sign.

SIGN, POLITICAL

A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election. Political signs are regulated the same as other temporary signs.

SIGN, PORTABLE

Any sign not permanently affixed to a building, structure or the ground. This category includes, but is not limited to, signs attached to or placed on vehicles not used for the daily conduct of the business, banners, balloons, and similar devices used to attract attention, including hand held signs.

SIGN, PROJECTING

A sign attached to a building, approximately perpendicular to the building wall (also Hanging Sign). A sign, other than a wall sign, which projects and is supported by a wall of a building.

SIGN, REAL ESTATE

A temporary sign that advertises the property on which it is located, for sale, rent, or lease, regulated the same as other temporary signs.

SIGN, ROOF

Any sign erected, constructed, and maintained wholly upon or over the roof of any building (not permitted by this ordinance).

SIGN, SEASONAL

A temporary sign identifying an open-air market, farmers' market or the sale of seasonal products, regulated the same as other temporary message signs.

SIGN, SECONDARY ENTRANCE

A wall sign identifying a business or tenant's alternative entrance (see also Sign, minor)

SIGN, SECURITY AND WARNING

Signs posted on private property warning the public against trespassing or similar messages (see also Sign, minor).

SIGN STRUCTURE

The supports, uprights, bracing and framework of any structure, be it single-faced, double-faced, V-type or otherwise constructed, exhibiting a sign.

SIGN, SPECIAL EVENT

A temporary sign announcing an educational, historical, civic, philanthropic or religious drive or event.

SIGN, TEMPORARY

A sign designed or intended, based on materials and structural components, to be displayed for a specified or limited period of time, regardless of type or style of sign. Examples include real estate signs, contractor's signs, and one-time event signs.

SIGN, VEHICLE

A sign on a truck, bus or other vehicle, while in use in the normal course of business. Refer to **Sec. 58-340** for limitations on vehicle signs.

SIGN, WALL

Any signs or lettering, projecting not more than 18 inches, which are placed against or attached to the front, rear, or side wall of a building, but shall not include painted or mural signs, or roof signs as defined herein.

SIGN, WINDOW

Asign affixed directly to or painted on or otherwise inscribed on a window pane, or affixed to a window frame, ceiling, or wall behind the pane, and which is greater than one square foot in area.

SITE PLAN

A plan prepared by a professional engineer or land surveyor licensed by the state showing all proposed improvements to the site in accordance with this chapter.

SPECIAL USE

A special use exception or yard, area or height exception specifically listed in this chapter which may be permitted by the board of zoning appeals in a specified district or in all districts in accordance with the provisions of this chapter.

SPECIALTY FOOD SHOP

The use of land, such as a coffee, candy, or ice cream shop, where the primary client consumption is off-site with limited seating and the product is limited to one type or line of food service and the food preparation is such that:

- (1) All odors must be contained within the establishment and specialized equipment may be required to contain the odors;
- (2) It does not involve "cooking" but the application of heat, by microwave or the boiling of water for beverages, shall not be considered "cooking" for purposes of this definition;

- and
(3) No open flame heat source is used.

SPECIALTY SHOP

A small-scale (less than 2,500 square foot) retail use which offers for sale items of art or crafts, or which offers for sale items related to a specific theme, e.g., kitchen wares, pet care, etc.

SPECIFIED ANATOMICAL AREAS

- (1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered

SPECIFIED SEXUAL ACTIVITIES

Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SQUARE FEET, GROSS

All enclosed, usable space within a structure, including unfinished service areas such as stairwells and elevators.

SQUARE FEET, NET

All enclosed, usable finished space within a structure, not including unfinished service areas such as stairwells and elevators.

START OF CONSTRUCTION

~~The date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.~~

STATE ROAD

A street or roadway that is part of the Virginia State Highway System or Secondary Highway System.

STORE

Retail stores and shops.

STORE, ADULT

An establishment that: offers for sale or rent items from any of the following categories: (a) adult media, (b) sexually oriented goods, or (c) goods marketed or presented in a context to suggest their use for specified sexual activities; and the combination of such items constitutes more than 15 percent of its stock in trade or occupies more than 15 percent of its gross public floor area; and where there is no on-site consumption of the goods, media or performances for sale or rent.

STORE, GENERAL

Buildings for display and sale of merchandise at retail.

STORE, GROCERY

A retail business primarily engaged in the sale of unprepared food for personal or household preparation and consumption. Such a facility may also engage in incidental sales of prepared foods for personal consumption on-or off-site.

STORE, NEIGHBORHOOD CONVENIENCE

Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

STORY

That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

STORY, HALF

A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area and the ceiling next above it.

STREET

A dedicated strip of land or right-of-way subject to vehicular or pedestrian traffic providing means of access to property.

STREETSCAPE

The combination of Buildings, uses, Landscaping, and furniture located in the area that may either abut or be contained within a public or private street right-of way or access way that create the visual image of the street.

STREET LINE

The dividing line between a street or road right-of-way and the contiguous property.

STREET, PRIVATELY MAINTAINED

Any roadway that is restricted as to the hours of access by the general public or by those who may use it. The definition shall be construed to include public roads that are maintained by the individuals living along or otherwise served by the road or by a property owners association created for purposes including maintenance of streets.

STREET, PUBLIC

A street which affords principal means of access to abutting property, and encompassed by a right-of-way dedicated to public use and maintained by the Commonwealth as a part of the state primary or secondary road system. The right-of-way shall not be less than 50 feet.

STREET, SERVICE DRIVE

also referred to as a Frontage road; A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by controlling ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

STREET; ROAD

A dedicated and opened public thoroughfare which affords a principal means of access for motorized vehicles to abutting property and to other streets.

STRUCTURE, MAIN PERMANENT

Anything constructed or erected the use of which requires more or less permanent location on the ground, or which

is attached to something having a permanent location on the ground, including advertising signs and billboards.

STRUCTURE, TEMPORARY

Anything constructed or erected without a permanent foundation or footings and that extends eight inches or more above the adjacent yard surfaces, but excluding a Manufactured Home as defined by this chapter.

STUDIO, FINE ARTS

A building, or portion thereof, used as a place of work by a sculptor, artist, or photographer; or used as a place to exhibit and offer for sale works of the visual arts (other than film).

SUBDIVIDER

Any person owning any parcel of land to be subdivided, or a group of two or more persons owning parcel of land to be subdivided, or a person or group of persons who has given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, representing or executing the legal requirements of the subdivision.

SUBDIVISION

To divide any tract, parcel or lot of land into two (2) or more parts for the purpose of transfer of ownership or building development.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;

or

- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

SUBSTANTIAL RENOVATION/REHABILITATION

Improvements, not primarily cosmetic in nature, whose cost should equal at least 25% of the value of the structure after the renovation/rehabilitation is completed.

SURPLUS SALES

Businesses engaged in the sale of used or new items, involving regular or periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets, or discount businesses with outdoor display.

SURVEYOR

A certified land surveyor licensed by the Commonwealth of Virginia.

TATTOO PARLOR AND/OR BODY PIERCING SALON

Any business that provides tattooing or body-piercing as those terms are defined in Virginia Code § 54.1-700, or both tattooing and body-piercing.

TELECOMMUNICATION TOWER

~~See *Broadcasting or communication tower*. Any structure used for the purpose of supporting one or more antennas or microwave dishes, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, alternative antenna support structures, such as buildings and rooftops, and other existing support structures.~~

TELECOMMUNICATION TOWER HEIGHT

The distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

TOURIST COURTS; AUTO COURTS; MOTELS; MOTOR LODGES

~~A group of buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients, with garages or parking spaces, conveniently located, for each unit. Cooking facilities may be provided for each unit.~~

TOWNHOUSE

~~see *Dwelling, Townhouse*. A unit (for rent or sale) separated from adjacent units by a vertical wall with no openings, providing a dwelling for a single household unit, in which separate access to the outside is provided and in which the major orientation of the unit is vertical rather than horizontal. The lots, utilities and other improvements for each townhouse are designed to permit individual and separate ownership of such lots and dwelling units.~~

TOWNHOUSE DEVELOPMENT

One or more single-family dwellings containing townhouses, with accessory parking, open space and recreational and management facilities.

TRAILER, TRAVEL

~~see *Recreational vehicle*. A vehicular, portable structure designed as a temporary dwelling for travel, recreational and vacation use which is identified on the unit by the manufacturer as a travel trailer and does not exceed 4,500 pounds gross weight.~~

TRANSIENT

~~A paying guest staying for no more than 14 days at a time in any bed-and-breakfast homestay or inn, hotel or motel.~~

USE

The purpose or activity for which land or buildings thereon are designed, arranged or intended, or for which they are occupied or maintained, and any manner of performance of such activity with respect to the performance standards of this chapter.

UTILITY SERVICE, MAJOR

Service of a regional nature which normally entails the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, community waste water treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead service, distribution and transmission lines are included in this definition.

UTILITY SERVICE, MINOR

Service which is necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations. Also included in this use type are wireless communication antennas which are attached to an existing building or structure, including but not limited to utility poles, signs, broadcasting or communication facilities, and water towers, and which are not greater than 20 feet in length.

VARIANCE

A relaxation of the terms of this chapter where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of a structure or size of yards and open spaces; the establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

VDOT

The Virginia Department of Transportation.

VEGETATIVE BUFFER

Deciduous and evergreen plants, shrubs, or trees that are mature enough to act as an effective visual and audible buffer.

VEGETATIVE FILTER STRIP

Perennial vegetation established or left undisturbed adjacent to the shoreline of a watercourse intended to filter out sediment and other non-point source pollutants from runoff before it reaches a watercourse.

VETERINARY HOSPITAL/CLINIC

Any establishment rendering surgical and medical treatment of animals. Boarding of domestic animals shall only be conducted indoors, on a short term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial

kennel. Agricultural livestock such as horses and cows may be boarded outdoors as appropriate.

VIDEO-VIEWING BOOTH OR ARCADE BOOTH, ADULT

An enclosure designed for occupancy by no more than five persons, used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media, or live performances or lingerie modeling, for observation by patrons therein.

VIRGINIA LANDMARKS REGISTER

The official list, maintained by the Department of Historic Resources, of historic resources considered by the Board of Historic Resources to be worthy of historic preservation.

YARD

An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

- (1) Front yard - An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.
- (2) Rear yard - An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.
- (3) Side yard - An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

YARD, FRONT

~~An open space on the same lot as is a building, between the front line of the building, excluding steps, and the front lot or street line, and extending across the full width of the lot.~~

WETLANDS

Waters of the United States, including land where, at least some of the time, water saturates the soil enough to result in a hydric soil (soil that is characterized by an absence of free oxygen some or all of the time). Wetlands limits must be determined in accordance with the current federally approved method of delineation.

WHOLESALE SALES

An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers.

ZONING ADMINISTRATOR

The Zoning Administrator of the City of Lexington Virginia, or an authorized agent thereof, also referred to in this ordinance as the Administrator.

ZONING PERMIT

A document issued by the zoning administrator authorizing the use of lots, structures, lots and structures, and the characteristics of uses.